

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

HARRISON COUNTY, MISSISSIPPI, *et al.*

Plaintiffs,

V.

U.S. ARMY CORPS OF ENGINEERS,

Federal Defendant.

Case No. 1:24-cv-21-LG-BWR

FEDERAL DEFENDANT'S MOTION TO DISMISS

Federal Defendant the U.S. Army Corps of Engineers moves this Court to dismiss the Plaintiffs' Complaint (ECF No. 1), alleging violations of the Marine Mammal Protection Act and Administrative Procedure Act, pursuant to either Federal Rule of Civil Procedure 12(b)(1) because this Court lacks jurisdiction, or Federal Rule of Civil Procedure 12(b)(6) because Plaintiffs have failed to state a claim upon which relief can be granted. Federal Defendant's motion is supported by the contemporaneously filed memorandum in support.

Date: March 25, 2024

Respectfully submitted,

TODD KIM, Assistant Attorney General
S. JAY GOVINDAN, Section Chief
MEREDITH FLAX, Deputy Section Chief
U.S. Department of Justice
Environment & Natural Resources Division

/s/ *Taylor A. Mayhall*

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CERTIFICATE OF SERVICE

I hereby certify that on March 25, 2024, I electronically filed the foregoing Federal Defendant's Motion to Dismiss with the Clerk of the Court for the United States District Court for the Southern District of Mississippi using the CM/ECF system, which will send electronic notification of such filing to all counsel of record.

/s/ Taylor A. Mayhall

Counsel for Defendant